

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

ARELI ESCOBAR,	§	
Petitioner,	§	
	§	
v.	§	CIV. NO. 1:22-CV-00102-LY
	§	*DEATH PENALTY CASE*
BOBBY LUMPKIN, Director,	§	
Texas Department of Criminal	§	
Justice, Correctional Institutions	§	
Division,	§	
Respondent.	§	

**RESPONDENT'S SUPPLEMENTAL RESPONSE IN OPPOSITION TO
MOTION TO STAY PROCEEDINGS**

This is a federal habeas case in which the petitioner, Areli Escobar, is under a sentence of death. On March 14, 2022, Escobar filed a motion to stay proceedings, in part because the CCA was reviewing the State's suggestion that the CCA reconsider its denial of Escobar's second writ application (suggestion-for-reconsideration argument). ECF No. 9 (Mot.). Two weeks later, the Director responded, arguing that Escobar's suggestion-for-reconsideration argument was moot because the CCA had already denied the State's suggestion for reconsideration on March 15, 2022. ECF No. 10 (Response) at 2–3, 6–7. In his reply, Escobar correctly pointed out that the Director confused the CCA's March 15, 2022 denial of *Escobar's* motion for reconsideration, and that the State's suggestion was still pending. ECF No. 11 (Reply) at 2. The Director then amended his response to concede his mistake and withdraw his mootness argument. ECF No. 12 (Amd. Response) at 2 n.1.

Just one business day later, the CCA denied the State's suggestion. *See Ex parte Escobar*, WR-81,574-02 (Tex. Crim. App. Apr. 4, 2022) (electronic docket). Considering this new fact, the Director supplements his amended response to point out that Escobar's suggestion-for-reconsideration argument is *now* moot.

CONCLUSION

For the foregoing reasons, and for the reasons argued in the Director's amended response, the Director respectfully requests that the Court deny Escobar's motion for stay.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I do hereby certify that on April 6, 2022, I electronically filed the foregoing document with the Clerk of the Court for the U.S. District Court, Western District of Texas, using the electronic case-filing system of the Court. The electronic case-filing system sent a “Notice of Electronic Filing” (NEF) to the following counsel of record, who consented in writing to accept the NEF as service of this document by electronic means:

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